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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,670	01/22/2002	Yves-Andre Champagne	CRESC-013XX	5250
7590 03/03/2006			EXAMINER	
Ansel M. Schwartz 201 N. Craig Street Pittsburgh, PA 15222			TAYLOR, NICHOLAS R	
			ART UNIT	PAPER NUMBER
			2141	
DATE MAILED: 03/03/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/054,670	Applicant(s) CHAMPAGNE ET AL.	
	Examiner Nicholas R. Taylor	Art Unit 2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-38 were presented for examination and are rejected.

Response to Arguments

1. Applicant's arguments filed 1/19/2006 have been fully considered but they are deemed not persuasive.

2. In the remarks, applicant argued in substance that:

(A) Prior art of Presley fails to teach changing the running configuration information in response to a configuration change request received from a network management system at a first interface.

As to point (A), paragraph 33 of Presley teaches a management console interface for change requests. This console contains a management configuration module (Presley, paragraph 0033) and is the interface to a management server (Presley, paragraph 0034). These components work to configure the system by this management configuration module (described in Presley, paragraphs 0033-0037) that can be invoked via "interactive access that includes Web browser-based access and stand-alone programs that allow system administrators and other authorized users to view, change history, and, if authenticated, allow changes to the managed systems" (Presley, paragraphs 0063).

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(B) Prior art of Masterson does not teach a secondary interface, and further improperly uses hindsight to combine with the teachings of Presley.

As to point (B), Masterson teaches an "outside the network management system" interface that when combined with the teaching of Presley would act as secondary to Presley's interface (Masterson, paragraphs 0032-0033). In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). Finally, as additional information the examiner would like to point out that using more than one interface in a network system is well known in the art.

(C) No suggestion or teaching exists to combine Presley and Masterson in the prior art of record.

As to point (C), in response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one

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of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, motivation was given from the art as, "...doing so would allow an advantageous web-based approach providing a sophisticated and inexpensive graphical user interface to the end network components (Masterson, paragraph 0009)."

(D) Prior art of Presley fails to teach sending change requests.

Presley teaches a stand alone interface that can send change requests manually (Presley, paragraph 0063) or can accept change requests in the form of Document Type Definitions defining parameters for the network components that are enforced against the network components when placed into automated probing mode (Presley, paragraph 0066).

Specification

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details. The language should also be clear and concise and should not repeat information given in the title.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 4-7, 9-15, 17-20, 23-26, 28-34, and 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Presley (US PGPub 2003/0105838) and Masterson et al. (US PGPub 2003/0018755).

6. As per claims 1 and 20, Presley teaches managing configuration information of a network device (Presley, paragraph 0002), comprising:

at the network device, (1) maintaining running configuration information of the network device, (Presley, paragraph 0036, first sentence)

(2) changing the running configuration information in response to (i) configuration change requests received from a network management system at a first interface (Presley, paragraph 0033)

(3) in response to receiving an upload configuration request from the network management system, transferring a configuration file containing the running configuration information to the network management system; and (Presley, paragraph 0065-0066, and figure 10)

at the network management system, (1) maintaining a database including configuration information for the network device, the configuration information potentially being outdated due to the configuration change requests received by the network device at the second interface, and (Presley, paragraph 0034)

(2) under predetermined conditions, (i) sending an upload configuration request to the network device and subsequently receiving the configuration file from the network device, and (ii) updating the configuration information in the database using the contents of the configuration file (Presley, paragraph 0035-0036).

However, Presley fails to teach changing the running configuration information in response to (ii) configuration change requests received from outside the network management system at a second interface. Masterson teaches a network management system with a centralized database of configuration information that is controlled from outside the management system at a secondary interface (Masterson, paragraph 0032-0033). It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have combined Presley and Masterson to provide the secondary interface of Masterson in the system of Presley, because doing so would allow an advantageous web-based approach providing a sophisticated and inexpensive graphical user interface to the end network components (Masterson, paragraph 0009).

7. As per claims 4 and 23, Presley-Masterson teaches the system further wherein the configuration file has an extensible format (Presley, paragraph 0036 and Masterson, paragraph 0033).

8. As per claims 5 and 24, Presley-Masterson teaches the system further wherein the format of the configuration file employs extensible markup language (Presley, paragraph 0036 and Masterson, paragraph 0033).

9. As per claims 6 and 25, Presley-Masterson teaches the system further wherein the network management system includes a network management client communicatively coupled to a network management server (Masterson, paragraph 0033).

10. As per claims 7 and 26, Presley-Masterson teaches the system further wherein the network management system includes a network management client communicatively coupled to a network management server, (Masterson, paragraph 0033) and wherein the sending of the upload configuration request and the updating of the information in the database occur at the network management server in response to the receipt of a synchronization request from the network management client (Masterson, paragraph 0035).

11. As per claims 9 and 28, Presley-Masterson teaches the system further comprising sending a refresh event from the network management server to the network management client upon updating the information in the database (Masterson, paragraph 0039, wherein the device is sent the updated configuration), and responding

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to the refresh event at the network management client by updating a user display with updated configuration information for the network device (Masterson, paragraph 0050, specifically the status section).

12. As per claims 10 and 29, Presley-Masterson teaches the system further comprising sending a status report from the network management server to the network management client upon receiving the configuration file from the network device and updating the information in the database, the status report indicating to the network management client that the synchronization request has been successfully carried out (Masterson, figure 4, item 412).

13. As per claims 11 and 30, Presley-Masterson teaches the system further wherein the network management client includes a graphical user interface (Masterson, paragraph 0025), and wherein the synchronization request is sent from the network management client to the network management server in response to a user's activation (Masterson, paragraph 0035) of a control object on the graphical user interface (Masterson, figure 8, item 804).

14. As per claims 12 and 31, Presley-Masterson teaches the system further wherein the control object comprises a push button (Masterson, figure 8, item 804).

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15. As per claims 13 and 32, Presley-Masterson teaches the system further wherein the control object comprises a selectable menu item (Masterson, paragraph 0050, last sentence).

16. As per claims 14 and 33, Presley-Masterson teaches the system further wherein the sending of the upload configuration request and the updating of the information in the database also occur at the network management server in response to the receipt of a trap message from the network device (Masterson, paragraph 0035).

17. As per claims 15 and 34, Presley-Masterson teaches the system further wherein the trap message is sent upon power-up of the network device (Masterson, paragraph 0035).

18. As per claims 17 and 36, Presley-Masterson teaches the system further wherein the sending of the upload configuration request and the updating of the information in the database occur in response to the receipt by the network management system of a message from the network device (Masterson, paragraph 0035).

19. As per claims 18 and 37, Presley-Masterson teaches the system further wherein the message from the network device comprises a trap message (Masterson, paragraph 0035).

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20. As per claims 19 and 38, Presley-Masterson teaches the system further comprising: at the network device, saving the running configuration information in response to save requests received from the network management system; (Masterson, figure 4, item 414, wherein the device saves the configuration as per request from the management system) and at the network management system, under predetermined conditions, sending a save request to the network device (Masterson, figure 4).

21. Claims 2, 3, 8, 16 21, 22, 27 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Presley (US PGPub 2003/0105838) and Masterson et al. (US PGPub 2003/0018755), further in view of Hasan et al. (US PGPub 2003/0028624).

22. As per claims 2 and 21, Presley-Masterson teaches the above, yet fails to teach wherein the second interface includes a command line software interface. Hasan teaches the use of a command line interface in administering a network management system (Hasan, paragraph 0039).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have combined Presley-Masterson and Hasan to provide the command line interface of Hasan in the system of Presley-Masterson, because doing so would allow an alternative input method for the administrator.

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23. As per claims 3 and 22, Presley-Masterson-Hasan teaches the system further wherein the second interface includes a dial-up connection (Masterson, paragraph 0030, sentence one and two).

24. As per claims 8 and 27, Presley-Masterson teaches the system further comprising sending an update event from the network management server to the network management client in response to the receipt of the synchronization request and responding to the update event at the network management client (Masterson, paragraph 0039). However, Presley-Masterson fail to teach wherein client is updating a user display to indicate that a synchronization operation with respect to the network device is in progress.

Hasan teaches displaying the status of operations with respect to current network operations. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have combined Presley-Masterson and Hasan to provide the status display of Hasan in the system of Presley-Masterson, because doing so would allow an administrator to see the current status of network operations.

25. As per claims 16 and 35, Presley-Masterson teaches the above, yet fails to teach wherein the network device includes functional features for supporting virtual routed networks, and wherein the configuration information includes information pertaining to at least one specific virtual routed network supported by the network device. Hasan

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teaches specifying policies and configurations for virtual routed networks from a network management system (Hasan, paragraph 0061).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have combined Presley-Masterson and Hasan to provide the virtual routed network support of Hasan in the system of Presley-Masterson, because doing so would allow expanded network support capabilities.

Conclusion

26. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Taylor whose telephone number is (571) 272-3889. The examiner can normally be reached on Monday-Friday, 8:00am to 5:30pm, with alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3718.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nicholas Taylor
Examiner
Art Unit 2141



NICHOLAS TAYLOR